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ABSTRACT

The author argues against the abolition of teacher tenure for several reasons: 1) no better protection for the schools or the teachers has been suggested, 2) many administrations do not provide evaluation or leadership for their staff, 3) protection for teachers is needed to assure stability to the school system as a whole, and 4) most state-wide tenure laws already provide for fair dismissal procedures for cause. Examples are given of the treatment of teachers in New Jersey where 40 percent do not have tenure. A 1965 statement of the NEA Commission on Professional Rights and Responsibilities is quoted on the purpose of tenure in ensuring competent and efficient school systems. The advantages provided by tenure for the teacher, students, board of education, and community are listed, as well as some of the abuses which it can prevent. (MBM)

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AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS
104th Annual Convention
Atlantic City, N.J. February 12-16, 1972

SPEAKER : Frederick L. Hipp, Executive Secretary, New Jersey Education Association, Trenton, N.J.

TOPIC : RESOLVED, THAT TEACHER TENURE SHOULD BE ABOLISHED -

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I am very much opposed to the abolition of teacher tenure for a number of reasons, some of which are:

1. No one has been able to suggest a better procedure to protedt the schools and teachers against the whims of man.
2. Too many administrators and boards of education neglect to evaluate their staff and provide good educational leadership for them.
3. The sometimes cruel and inhuman treatment suffered by some non-tenure teachers at the hands of their boards of education requires protection for teachers in order to assure stability to the school system as a whole.
4. Virtually every state-wide tenure law provides for fair dismissal procedures for cause: Some are very specific and detail, causes such as immorality, conduct unbecoming to a teacher, insubordination, incompetence and the like. The procedures for getting rid of undesirable teachers are there. All boards and administrators have to do is to have nerve enough to use them.

I taught in Ohio when there was no tenure law for teachers or administrators. In the depth of the great depression, with no jobs visible, my able 50-year old superintendent with six children to support was informed three weeks before Labor Day that he would not be employed again by that small school district. In 1935, boards of education in two small school districts in that state fired everybody - from the superintendent to the janitor - even though some staff members had been with them for many, many years. I saw instances of where one influential family in a community caused an outstanding teacher to be fired because he or she had failed a child of that family. This type of situation, or one similar to it, happened so often that it was almost taken as a routine procedure for dismissal.

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Forty percent of New Jersey teachers do not have tenure. Some of the sins committed against some of these non-tenure teachers by a variety of school boards and administrators are fair warning to the communities these teachers serve that often their best teachers are sent to the guillotine. Due process is something these teachers never hear about. To judge b their actions, it is obvious that these same boards would never dream of due process when they can avoid it. These situations are jungles of total ignorance of proper personnel procedures. I am convinced that, not only teachers, but children, suffer in these unstable situations. Unfortunately, there are too many boards indulging in these practices to call them exceptions. When boards act this way when 40% of the teachers are without tenure, I fear what would happen to our schools if no teachers were on tenure.

Let me give you only a few of many examples of what happens to some non-tenure teaches in some school districts in our state where we have had a tenure law since 1909:

A librarian was forced to resign after not being evaluated. No reason was given. However, she was threatened with blacklisting and resigned.

A teacher was called in and confronted with a morals charge, totally unsubstantiated and without evidence. Under threat of professional damage to his career and blacklisting, he resigned without a hearing.

Eight teachers of a small school district were fired without a hearing and with no reason given. With no provision in their local contract for due process, they were dismissed in spite of strong teacher and parent objections.

One teacher was dismissed because her teacher husband was active in negotiating with their mutual school board. Another extremely able teacher was not re-employed very likely because she was more creative than her principal. Despite strong community objections, she was sent on her way without being given a reason for her dismissal.

Our experience is that hundreds of our non-tenure teachers are dismissed each year without being given a reason for non-renewal of contract. To some extent this lack of due process for non-tenure teachers is being overcome by including procedures in local collective bargaining contracts. However, this is not a sure cure.

Much of the demand for getting rid of teacher tenure is a cover up for the failure of the school board and administration to employ enlightened personnel procedures.

Teachers are employed without securing reference from previous employers or their teacher training institutions. Too often they are given teaching assignments for which they are not qualified or for which they are not even certificated. After they are employed, thousands of teachers receive no assistance from anyone, no one visits their classroom from September to June and - too often - these same teachers are dismissed without ever having been evaluated or being given a reason for their dismissal. I am of the impression that this is standard procedure in literally thousands of schools throughout this nation.

In a confidential public opinion poll, ninety-one percent of the members of the New Jersey Education Association said they wanted to be evaluated, that they wanted constructive suggestions for improving their work and that they wanted conferences with their supervisors. These were tenure and non-tenure teachers.

Ladies and Gentlemen, no enlightened business would neglect its personnel the way too many boards ignore the cries of their teachers for educational leadership.

To summarize, I quote from a 1965 statement of the NEA Commission on Professional Rights and Responsibilites as follows:

"PURPOSES OF TENURE

Public schools exist to provide the best possible education for the children and adults in the community. It is essential, therefore, that school systems be competent and efficient. A key figure in these schools is the competent teacher, freed from the fear of insecurity and the danger of unfair dismissal.

Competent school boards exercise the utmost vigilance in maintaining and improving the professional status of the teacher. They seek potential candidates for teaching who will exemplify high ideals. To retain this professional personnel, they provide adequate tenure measures in an effort to keep their schools effective.

FOR THE TEACHER, TENURE PROVIDES
---Reasonable security in employement

---Effectiveness in position resulting from a sense of well-being.
---Freedom to teach without unreasonable restraint or censorship
---Opportunity to become an established participating citizen in the community
---Warning, if services are unsatisfactory.

FOR THE STUDENTS, TENURE PROVIDES
---Teachers freed from uneasiness, able to devote their full energies to their classwork.
---Better school conditions because teachers are free to speak up for improvements.
---Opportunity to develop critical thinking under teachers with courage, initiative, and independence.

FOR THE BOARD OF EDUCATION, TENURE PROVIDES
---A stable faculty of competent personnel
---an evaluation of teacher services
---an orderly procedure for dismissing unsatisfactory personnel
---an assurance against charges of unjust dismissal.

FOR THE COMMUNITY, TENURE PROVIDES
---an efficient school system
---teachers sincerely interested in their pupils and the school system
---teacher-citizens with pride in the community.

TENURE PREVENTS
---The dismissal of a teacher beacuse
He failed to"vote right"
He expressed an honest opinion
He became "too popular"
He disturbed the status quo
A school board member had a friend he wanted to employ
Someone thought it would be "for the good of the schools"
Regardless of the teacher's competence
---The dismissal of a teacher in a capricious or unethical manner
---The dismissal of a teacher without proof of reasonable cause.

The November, 1971, issue of the American School Board Journal quoted Mr. Earle D. Bailey, Chairman of the Bucksport (Me.) School board as follows:
"Under tenure, our best teachers have job security. If we dropped tenure and adopted some other system where local politics and personalities might creep in, we would ha ve a group of frustrated teachers and our whole educational system would suffer the consequences. If the tenure system were eliminated, some substitute would have to be devised - but it would have to be better than the so-called merit system."

When I was twenty-five years old and so-called superintendent of a very small school system in Ohio, again, where there was no teacher tenure, I asked Mr. Romaker, a wise experienced superintendent at Liberty Center, Ohio, what he does about incompetent teachers. I have never forgotten his reply, "We don't have incompetent teachers," he said. "we are careful whom we hire and we work with tehm to make good teachers out of every one of them. I don't fire teachers. I make them good teachers."

Now if every administrator were like Mr. Romaker, if every school board possessed his wisdom, perhaps we wouldn't need a fair dismissal law, would we?

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